
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Eureka Broadcasting Co., Inc.)	File No. EB-11-PO-0114
Licensee of Station KURY-FM)	
)	
Facility ID # 35798)	
)	
Brookings, Oregon)	NOV No. V201132920039

NOTICE OF VIOLATION

Released: September 30, 2011

By the Resident Agent, Portland Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to the Eureka Broadcasting Co., Inc. ("Eureka"), licensee of radio station KURY-FM in Brookings, Oregon. This Notice may be combined with a further action, if further action is warranted.²

2. On August 19, 2011, an agent of the Enforcement Bureau's Portland Office inspected radio station KURY-FM located at 605 Railroad Avenue, Brookings, Oregon 97850, and observed the following violations:

- a. 47 C.F.R. § 11.61(b): "Entries shall be made in EAS Participant records, as specified in §§ 11.35(a) and 11.54(b)(13)." There were missing EAS log entries from June 29, 2011 through August 10, 2011.
- b. 47 C.F.R. § 73.3526(e)(12): "For commercial AM and FM broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October--December, April 10 for the quarter January--March, etc.). The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated. The lists

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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described in this paragraph shall be retained in the public inspection file until final action has been taken on the station's next license renewal application.”³ Radio station KURY-FM’s public inspection file did not have the First and Second Quarters of the Issues and Programs Lists for the calendar year of 2011.

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that broadcasters play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to broadcast licensees. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions the station may have taken. Therefore, Eureka, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Commission’s Rules, we direct Eureka to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Eureka Broadcasting Co., Inc. with personal knowledge of the representations provided in the Eureka’s response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ 47 C.F.R. § 73.3526(e)(12).

⁴ 47 U.S.C. § 403.

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Commission’s Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Portland Resident Agent Office
P.O. Box 61469
Vancouver, WA 98666-1469

6. This Notice shall be sent to the Eureka Broadcasting Co., Inc. at its address of record.

7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen
Resident Agent
Portland Resident Agent Office
Western Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).